

Agreement to supply NON-MOTORIZED WATERCRAFT CONCESSION FOR FORT LAUDERDALE BEACH

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This agreement, made and entered into this the 28th day of March, ~~19~~ 2000, by and between **CITY OF FORT LAUDERDALE**, a municipal corporation of Florida, City Hall, Fort Lauderdale, Florida 33301, hereinafter called the "City."

- and -

Name of **CONTRACTOR**: Water Sports Unlimited, Inc.

ADDRESS: 301 Seabreeze Blvd., Ft. Lauderdale, FL 33316

A Corporation: XX, A Partnership: \_\_\_\_\_, An Individual: \_\_\_\_\_, Other \_\_\_\_\_

authorized to do business in the State of Florida, hereinafter called the "Company."

Witnesseth that: Whereas, the City did advertise and issue an Invitation to Bid (ITB) for supplying the requirements of the City for the items and/or service listed above for the period of three years

AND the Contractor submitted a bid which was accepted and approved by the City:

Formal authorization of this contract was adopted by the City Commission on (date) N/A

Now, therefore, for and in consideration of the premises and the mutual covenants herein contained, the parties covenant and agree as follows:

1. The Company agrees to sell to the City and the City agrees to buy from the Company, during the period beginning May 18, 2000 and ending May 17, 2003 for the requirements listed above and according to the following specifications, terms, covenants and conditions.

- a. The Legal Advertisement, Invitation to Bids containing general conditions, instructions to bidders, information for bidders, special conditions, specifications, addenda, and/or any other attachments forming a part of ITB No. 702-8277 and the Contractor's bid in response form a part of this contract and by reference are made a part hereof.
- b. In construing the rights and obligations between the parties, the order of priority in cases of conflict between the document shall be as follows:
  - 1) This contract Form G-110, Rev. 1/96.
  - 2) The City's ITB and all addenda thereto.
  - 3) Contractor's bid in response to the City's ITB.
- c. **Warranty:** The Company by executing this contract embodying the terms herein warrants that the product and/or service that is supplied to the City shall remain fully in accord with the specifications and be of the highest quality. In the event any product and/or service as supplied to the City is found to be defective or does not conform to specifications the City reserves the right to cancel that order upon written notice to the Contractor and to adjust billing accordingly.
- d. **Cancellation:** The City may cancel this contract upon notice in writing should the Contractor fail to reasonably perform the service of furnishing the products or services as specified herein and/or upon 30 days written notice. This applies to all items of goods or services.
- e. **Taxes Exempt:** State Sales and Federal Excise Taxes are exempted.
- f. **Invoicing:** Contractor will forward invoices in duplicate for payment to the Finance Department, 100 North Andrews Avenue, Fort Lauderdale, Florida 33301. If discount (other than prompt payment terms applies, such discount MUST appear on the invoices.

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**2. Contract Special Conditions.** The following special conditions are made a part of and modify the standard provisions contained in this contract Form G-110.

**3. Contract Summary:**

- a. Attachments Copy of vendors proposal and blank copy of specifications
- b. Payment Terms Per RFP
- c. Delivery Per RFP
- d. Quantities Per RFP
- e. Insurance Yes XX No
- f. Performance Bond/Letter of Credit Yes        No XX
- g. Class Item 981.61, 975.21
- h. Procurement Specialist Initials RWE

**4. Contractor's Phone Number:** (954) 467-6300

Contractor's FAX Number: (954) 462-1803  
Cell Number: (954) 816-0944

CITY OF FORT LAUDERDALE

By [Signature]  
Purchasing Manager (City Manager's Designee)  
Auth.: Sec. 2-180(8) of Code & CM Memo 98-289

Date 4/11/02

By [Signature]  
Assistant City Attorney (Approved as to form)

Date April 10, 2000

**VENDOR COMPANY**

CHBIS K503 BY [Signature] Date 3-31-00  
Name of Company Officer (please print) Authorized Officer's Signature

[Signature]  
Title (please print)

**WATER SPORTS UNL INC.**  
**301 SEABREEZE BLVD.**  
**FT. LAUDERDALE, FL 33316**

PROPOSAL SIGNATURE PAGE – 702-8277

TO: The City of Fort Lauderdale

The below signed hereby agrees to furnish the following article(s) or services at the price(s) and terms stated subject to all instructions, conditions, specifications addenda, legal advertisement, and conditions contained in the RFP. I have read all attachments including the specifications and fully understand what is required. By submitting this signed proposal I will accept a contract if approved by the City and such acceptance covers all terms, conditions, and specifications of this proposal.

Proposal submitted by:

Name (printed) CHRIS KOS Title: PRES

Company: (Legal Registered)

WATER SPORTS UNL. INC.  
301 SEABREEZE BLVD.  
FT. LAUDERDALE, FL 33318

Address:

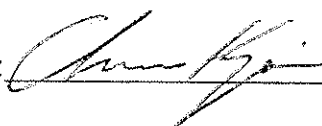
City FT LAUD State: FL Zip 33316

Telephone No. <sup>954</sup> 467 6300 FAX No. 954 462 1803 cell 954 816 0944

Does your firm qualify for MBE or WBE status in accordance with Section 1.08 of General Conditions?

MBE NO

WBE NO

Signature:  Date: 3-14-00

ADDENDUM ACKNOWLEDGEMENT - Proposer acknowledges that the following addenda have been received and are included in his proposal:

Addendum No.      Date Issued

N/A

VARIANCES: State any variations to specifications, terms and conditions in the space provided below or reference in the space provided below all variances contained on other pages of RFP, attachments or proposal pages. No variations or exceptions by the Proposer will be deemed to be part of the proposal submitted unless such variation or exception is listed and contained within the proposal documents and referenced in the space provided below. If no statement is contained in the below space, it is hereby implied that your proposal complies with the full scope of this RFP.

Variances:

NONE

**PROPOSAL PAGES PART I - FINANCIAL PROPOSAL (702-8277)  
FOR NON-MOTORIZED WATER SPORTS CONCESSION**

ANNUAL CONCESSION FEE PAYABLE TO THE CITY:  
To be paid in equal quarterly payments in advance.

First Contract Year: \$ 3000<sup>00</sup> + \$300 Application Fee\*  
(minimum acceptable to the City is \$2,700.00)

Second " " \$ 3300<sup>00</sup>  
(Must be First Year Fee plus a minimum of 10%)

Third " " \$ 3630<sup>00</sup>  
(Must be Second Year Fee plus a minimum of 10%)

List below all equipment that will be utilized for the concession and their current value. List all rental equipment (code with an R), the Chase/tow vessels(s) (code with a C), and accessory equipment such as trucks trailers etc (code with an A)

<u>Description</u>	<u>Qty.</u>	<u>Value</u>	<u>Total</u>
(R) HOBIE CATS	5	2500 <sup>00</sup> x 5	\$ 12,500 <sup>00</sup>
(R) KAYAKS	4	400 <sup>00</sup> x 4	\$ 1,600 <sup>00</sup>
(R) BOOGIE BOARDS	4	30 <sup>00</sup> x 4	\$ 120 <sup>00</sup>
(R) WINDSURFERS	4	500 x 4	\$ 2,000 <sup>00</sup>
(R) KITE SURFERS	4	1200 x 4	\$ 4,800 <sup>00</sup>
(C) WAVE RUNNER	1	5000 x 1	\$ 5,000 <sup>00</sup>
(A) 17' EQUIPMENT TRAILER <sup>(1)</sup>	1	5000 x 1	\$ 5,000 <sup>00</sup>
			\$
			\$
			\$
			\$

(use additional sheets if necessary)

\* see Part III Special Conditions, Section 19.

## PROPOSAL PAGES PART II - NON-MOTORIZED CONCESSION TECHNICAL PROPOSAL

The following issues should be fully responded to in your proposal in concise narrative form. Additional sheets should be used, but they should reference each issue and be presented in the same order.

- I. Understanding of the City's needs for the concession and your overall approach to those needs.
- II. Your proposed operational plan to include:
  - Central theme of the concession.
  - Concession Marketing plans.
  - Days and hours of operation.
  - Management plans and staffing levels.
  - Plans for maintenance, waste collection and security.
  - Renter safety instruction plans.
  - Any other information you feel will assist the City in evaluating your proposal.
- III. List below your proposed rental rates for the initial contract year. Describe equipment and list proposed rates for an hour, more than an hour, half day or day etc.

		Rental	
Description	Period	Rate	
HOBIE CATS	1 hour	\$ 70 <sup>00</sup> or 3 hrs \$ 150 <sup>00</sup>	
WIND SURFER	1 hour	\$ 30 <sup>00</sup> or 2 hrs \$ 50 <sup>00</sup>	
KAYAKS	1 hour	\$ 20 <sup>00</sup> single \$ 30 <sup>00</sup> DOUBLE	
BOOGIE BOARD	2 hours	\$ 15 <sup>00</sup>	
KITESURFER	1 hour	\$ 100 <sup>00</sup> (supervised)	
HOBIE CAT RIDE OR LESSON		\$ 40 <sup>00</sup> 1/2 hour	
		\$ _____	
		\$ _____	

(Use additional sheets if necessary)

- IV. How many calendar days from contract award would you need prior to initiating operations?

0 Days  
 IMMEDIATE

## PROPOSAL PAGES PART III QUESTIONNAIRE

### Prior Experience:

Number of years experience the proposer has had in providing similar services:

25 years

List below those persons who will have a management or supervisory position in the concession, if you are awarded the contract. List name, title or position, and project duties. A resume or summary of experience and qualifications must accompany your proposal.

CHRIS KIOS - WATER SPORTS UNLIMITED INC. (PRES)

1975 + U PRESENT : CHRIS KIOS COAST GUARD CAPTAIN:  
OPERATOR OF PARASAIL - BOAT RENTAL - SAILING  
INSTRUCTOR + CONCESSIONAIRE.

List all clients for whom you have provided similar services in the last three years. Provide agency name, address, telephone number, contact person, and date service was provided. If services provided differs from the one presented in your proposal, please delineate such differences.

① SHERATON YANKEE CLIPPER RESORT  
CONTACT Jim PAUCALO (MANAGER) 954-524-5551  
WATER SPORTS SERVICES 1987 to PRESENT

② MARRIOTT HARBOR BEACH RESORT  
CONTACT PAM COOK (REC DEPT)  
WATER SPORTS SERVICES 1988 to PRESENT

List those City of Fort Lauderdale agencies with which the proposer has had contracts or agreements during the past three (3) years:

PURCHASING + PARKS + REC RFP-352-7111  
NON MOTORIZED BEACH  
CONCESSION  
CURRENT OPERATOR

**WATERSPORTS UNLIMITED INC.  
301 SEABREEZE BLVD.  
FT. LAUDERDALE FL. 33316  
CHRIS KJOS - PRESIDENT - OWNER - OPERATOR  
PROPOSAL FOR RFP # 702 - 8277**

**CENTRAL THEME: TO PROVIDE A PROFESSIONAL  
WATERSPORTS RENTAL SERVICE TO TOURISTS AND  
LOCAL RESIDENTS (LOCAL DISCOUNT TO BE  
OFFERED).**

**WATERSPORTS UNLIMITED WILL OFFER:  
NON MOTORIZED WATERCRAFT RENTALS  
INCLUDING:**

**HOBIE CATS, WINDSURFERS, KITE SURFERS,  
KAYAKS, AND BOOGIE BOARDS.**

**INSTRUCTION AND SUPERVISED LESSONS FOR ALL  
ACTIVITIES WILL BE OFFERED FOR A NOMINAL FEE.**

**MARKETING PLANS: WE WILL MARKET OUR  
SERVICES WITH OUR EXISTING 4 COLOR BROCHURE  
DISTRIBUTED ALL OVER BROWARD COUNTY.  
BROCHURE ENCLOSED. WE WILL MARKET THE  
BUSINESS THROUGH OUR WEBSITE ALSO.  
WWW.KITESURFUSA.COM**

**HOUR OF OPERATION: 7 DAYS A WEEK YEAR ROUND  
WEATHER PERMITTING. 10AM TILL 5 PM**

**MANAGEMENT: TO BE MANAGED BY WATERSPORTS  
UNLIMITED STAFF(AVERAGE STAFFING 1 TO 2  
PERSONS) SUPERVISED BY CHRIS KJOS OWNER  
PRESIDENT.**

**MAINTENANCE AND SECURITY:**

**NO MAJOR MAINTENANCE PERFORMED ON BEACH PREMISES.**

**SECURITY ON BEACH PREMISES WILL BE WITH LOCKS AND CABLE OR CHAIN ON HOBIE CATS, CHASE VESSEL AND KAYAKS.**

**RENTER SAFETY**

**ALL RENTERS TO WEAR PERSONAL FLOATATION DEVICES WHEN REQUIRED BY LAW.**

**THERE WILL BE A THOROUGH BRIEFING ON SAFETY AND BOUNDARIES, THEN CUSTOMER WILL BE ESCORTED SLOWLY THROUGH THE BUOYED EXIT CORRIDOR WITH CHASE VESSEL (WHEN NECESSARY) TO THE BOATING AREA OFFSHORE, BEYOND CITY BUOYS. ALL RENTED VESSELS TO BE MONITORED PERIODICALLY WITH BINOCULARS. ASSISTANCE WILL BE RENDERED WITH CHASE VESSEL WHEN NECESSARY. RENTED SAILCRAFT WILL RETURN TO SHORE THROUGH BUOYED CORRIDOR TO RENTAL CONCESSION. SAILCRAFT WILL HAVE NEON ORANGE FLOAT AT TOP OF MAST FOR IDENTIFICATION.**